

# **Board of Vocational Nursing and Psychiatric Technicians**

## ***INITIAL STATEMENT OF REASONS***

**Hearing Date:** May 3, 2005

**Subject Matter of Proposed Regulations:**

Consumer Complaint Disclosure

**Sections Affected:**

Vocational Nursing (VN): Adopt Section 2524.1

Psychiatric Technician (PT): Adopt Section 2579.11

<b>Consumer Complaint Disclosure</b>
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**Adopt Sections 2524.1 (VN); 2579.11 (PT) Consumer Complaint Disclosure**

The proposed regulations set forth specific language relative to the disclosure of information regarding complaints involving licensed vocational nurses (LVNs) and psychiatric technicians (PTs). The proposed regulations incorporate the Board's "*Consumer Complaint Disclosure Policy*" in regulation.

**Specific Purpose:**

The proposed regulations would ensure uniformity relative to the disclosure of complaints against LVNs and PTs.

**Factual Basis:**

Protection of the health, safety, and welfare of California consumers is the Board's highest priority. To ensure such protection, the Board is authorized to investigate complaints of unprofessional conduct and unsafe, incompetent practice by LVNs and PTs.

The Public Records Act (California Government Code Section 6250 et seq.), provides the public a distinct right to access information in the government's possession. However, unconditional access is not authorized. Specific information pertaining to complaints and relevant investigations alleging misconduct by licensees are exempt from disclosure.

In February 2003, the Board adopted a Consumer Complaint Disclosure Policy to clarify the specific information that may be disclosed relative to complaints against LVNs and PTs while maintaining the integrity of investigations and/or prosecutions. The policy is designed to provide information to the public consistent with requirements set forth in the Public Records Act and Information Practices Act.

**UNDERLYING DATA**

The February 21, 2003, Board Meeting Minutes adopting the Board's Consumer Complaint Disclosure Policy.

**BUSINESS IMPACT**

The regulations will not have a significant adverse economic impact on businesses.

**SPECIFIC TECHNOLOGIES OR EQUIPMENT**

The regulations do not mandate the use of special technologies or equipment.

**CONSIDERATION OF ALTERNATIVES**

No reasonable alternative to the regulations would be either more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulations.

(2/24/2005)